

ZB# 91-32

Dino Sciamanna

25-2-6

Prelim
Nov. 25, 1991

#91-32- Sciamanna, Dino - rear yd.

Motion to set aside PH.

Need:

- (1) Copy of deed ✓
- (2) Title Report - None available
- (3) Photos. ✓

Public Hearing:

March 9, 1992.

(ALPD not applicable)

Fees paid 50 - ✓

250 - ✓

Notice to Sentinel -
sent on 2/3/92 (112)

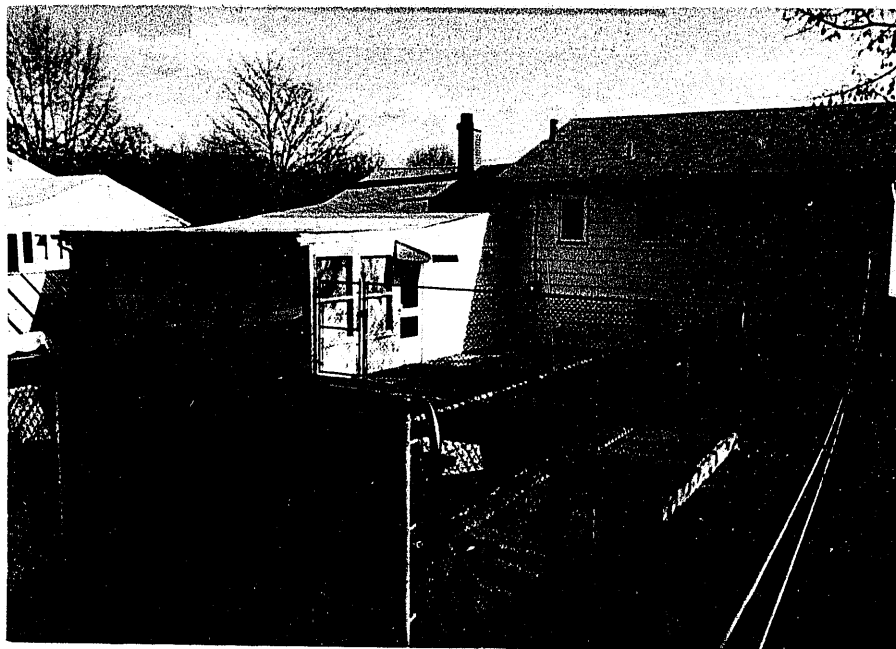
Granted Area

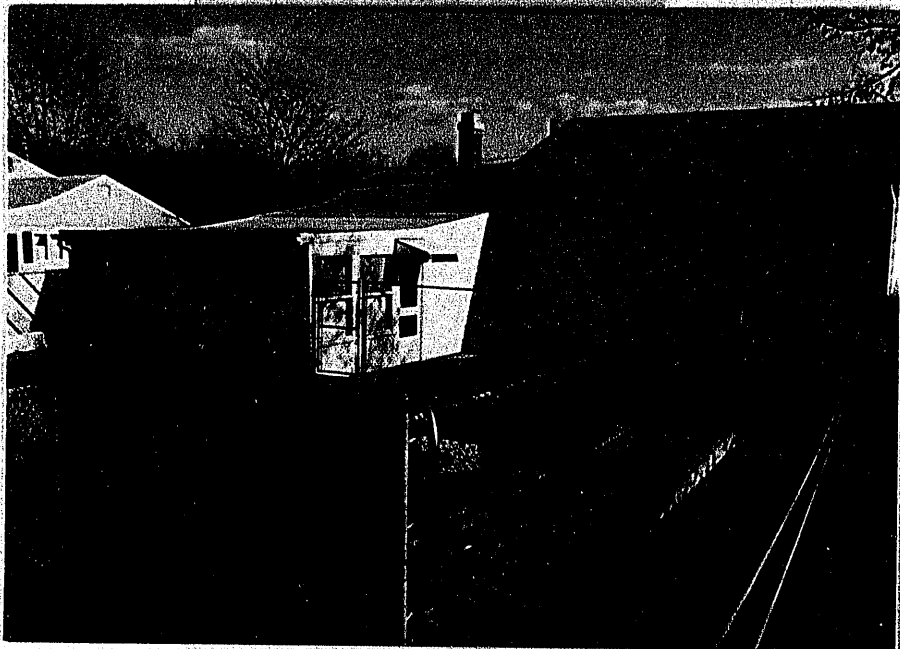
Variance

3/9/92

City Hours: 1 hr.

Refund due \$50.50
paid 4/21/92.





TOWN OF NEW WINDSOR
555 Union Avenue
New Windsor, NY 12550

GENERAL RECEIPT

12591

April 28, 1992

Received of Dino Sciamanna

\$ 50⁰⁰/₁₀₀

Fifty and ⁰⁰/₁₀₀

DOLLARS

For Variance (#91-32)

DISTRIBUTION:

FUND	CODE	AMOUNT
Check # 4406		\$50 ⁰⁰

By

Pauline B. Townsend

Town Clerk

Title

APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Sciamanna, Dino

FILE # 91-32

RESIDENTIAL: \$50.00

COMMERCIAL: \$150.00

APPLICATION FOR VARIANCE FEE \$ 50.00 *pd. 2/3/92*
 * * * * *

ESCROW DEPOSIT FOR CONSULTANT FEES \$ 250.00 *pd 2/3/92*

DISBURSEMENTS -

STENOGRAPHER CHARGES:

PRELIMINARY MEETING - PER PAGE *11/25. 8 pgs.* . . . \$ 36.00
 2ND PRELIM. MEETING - PER PAGE \$
 3RD PRELIM. MEETING - PER PAGE \$
 PUBLIC HEARING - PER PAGE *3 pages 3/9/92* \$ 13.50
 TOTAL \$ 49.50

ATTORNEY'S FEES:

PRELIM. MEETING-	<u>.1</u>	HRS.	\$	<u> </u>
2ND PRELIM. P.H.	<u>.4</u>	HRS.	\$	<u> </u>
3RD PRELIM.		HRS.	\$	<u> </u>
FORMAL DECISION	<u>.5</u>	HRS.	\$	<u> </u>
TOTAL HRS.	<u>1.0</u>	@ \$	<u>150.00</u>	PER HR.	\$ <u>150.00</u>
				TOTAL	\$ <u>150.00</u>

MISC. CHARGES:

TOTAL \$ 199.50

LESS ESCROW DEPOSIT \$ 250.00
 (ADDL. CHARGES DUE) \$
 REFUND TO APPLICANT DUE \$ 50.50

*Refund
Paid to
Ap*

NEW WINDSOR ZONING BOARD OF APPEALS

-----X

In the Matter of the Application of

DECISION GRANTING
AREA VARIANCE

DINO SCIAMANNA,

#91-32.

-----X

WHEREAS, DINO SCIAMANNA, 73 Hudson Drive, New Windsor, New York 12553, has made application before the Zoning Board of Appeals for a 5 ft. rear yard variance in order to obtain a certificate of compliance for an existing screened-in porch on his property located at the above address in an R-4 zone; and

WHEREAS, a public hearing was held on the 9th day of March, 1992 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, applicant, DINO SCIAMANNA, appeared in behalf of himself and spoke in support of the application; and

WHEREAS, there were no spectators present at the public hearing; and

WHEREAS, the application was unopposed; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.

2. The evidence shows that applicant is seeking permission to vary the provisions of the bulk regulations pertaining to rear yard in order to obtain a certificate of compliance for an existing screened-in porch at his residence in an R-4 zone.

3. The evidence presented by applicant substantiated the fact that a variance for less than the allowable rear yard would be required in order to allow the existing structure which otherwise would conform to the bulk regulations in the R-4 zone or is legally non-conforming pursuant to a variance previously granted by this Board on June 11, 1987 for insufficient side yard.

4. The evidence presented by applicant indicated that the screened-in porch was constructed in 1978 and at that time applicant applied for and received a building permit (#1554 dated 5/10/78) from the then building inspector and proceeded to have the porch constructed in accordance with the said building

Rev. 1
4/24/92

permit.

5. It appears that the then building inspector did not realize that the proposed screened-in porch was located in the required rear yard and would require a variance for insufficient rear yard.

6. Although the said porch has long since been completed, the applicant failed to apply for a certificate of occupancy thereon.

7. The instant application arose when the applicant discovered that the as-built porch required a variance before a certificate of compliance would be issued.

8. It appeared from the evidence presented by the applicant that the said porch was located over a pre-existing concrete slab which extended from the house to the pool.

9. The evidence presented by applicant further indicated that there would not be enough area in either of the side yards in which to construct the porch; and if the porch were constructed in either side yard, a more substantial variance would have to have been required.

10. The evidence presented on behalf of the applicant also indicated that he would suffer significant economic injury from the strict application of the bulk regulations to his lot because in order to comply with the bulk regulations, at this time, Applicant would have to remove or substantially reduce the size of the porch which was built pursuant to a properly issued building permit. In addition, there is no other location on the lot in which a deck of a usable size could be located without a variance of at least as much magnitude as the instant variance application.

11. The applicant has further made a showing of significant economic injury from the application of the bulk regulations to his lot since the applicant would be effectively deprived of the value of any reasonably-sized deck by the strict application of the bulk regulations. It would be uneconomic to construct any conforming deck since the same would be undersize, would lack utility, and would in all probability diminish, rather than enhance the value of the property.

12. It is the finding of this Board that the applicant has made a sufficient showing of practical difficulty, entitling him to the requested area variance.

13. The requested variance is not substantial in relation to the bulk regulations for rear yard given the layout of the property.

14. The requested variance will not result in substantial

detriment to adjoining properties nor change the character of the neighborhood.

15. The requested variance will produce no effect on the population density or governmental facilities.

16. There is no other feasible method available to applicant which can produce the necessary results other than the variance procedure.

17. The interest of justice would be served by allowing the granting of the requested variance.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a 5 ft. rear yard variance to allow an existing screened-in porch to remain in the rear of the above parcel in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER,

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and applicant.

Dated: April 27, 1992.

Chairman

(ZBA BUDISK#8-053085.FD)

Date April 13, 1992

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO Daniel S. Lucia, Esq. DR.

343 Temple Hill Road, New Windsor, N.Y. 12553

DATE			CLAIMED		ALLOWED	
Apr 13	92	Legal services, ZBA attorney				
		Re: Sciamanna #91-32	150	00	150	00
		Barbieri #92-2	150	00	150	00
		Aufiero/Babcock #92-3	360	00	360	00
			—	—	—	—
		Totals	660	00	660	00
		<i>Richard J. Fennell, C</i>				

Pls. publish on or before 2/26/92. Send bill to: Applicant at below address.

PUBLIC NOTICE OF HEARING BEFORE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following proposition:

Appeal No. 32
Request of Dino Sciamanna
for a VARIANCE of
the regulations of the Zoning Local Law to
permit issuance of Certificate of Compliance
for existing addition w/ insufficient rear yard;
being a VARIANCE of
Section 48-12-Table of Use/Bulk Regs. - Col. G.
for property situated as follows:
73 Hudson Drive, New Windsor,
71.4. known & designated as
tax map Sec. 25-Blk. 2-Lot 6.

SAID HEARING will take place on the 9th day of
March, 1992, at the New Windsor Town Hall,
555 Union Avenue, New Windsor, N. Y. beginning at
7:30 o'clock P. M.

Richard Fenwick
Chairman

By: Patricia A. Barnhart, Secy.

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

91-32

Date: 02/03/92

I. Applicant Information:

- (a) Sciamporrino, Dino - 73 Hudson Drive, New Windsor X
(Name, address and phone of Applicant) (Owner)
- (b) -
(Name, address and phone of purchaser or lessee)
- (c) -
(Name, address and phone of attorney)
- (d) -
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- ☐ Use Variance ☐ Sign Variance
- ☒ Area Variance ☐ Interpretation

III. Property Information:

- (a) R-4 73 Hudson Drive 85-2-6 90x125 ±
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? N/A
- (c) Is a pending sale or lease subject to ZBA approval of this application? No
- (d) When was property purchased by present owner? 9/62
- (e) Has property been subdivided previously? -
- (f) Has property been subject of variance previously? Yes
If so, when? 1989 - Side yard
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? No
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: N/A

IV. Use Variance. N/A

- (a) Use Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____, to allow:
(Describe proposal) _____

(b) ^{N/A} The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

V. Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table of Use/Bulk Regs., Col. G.

Requirements	Proposed or Available	Variance Request
Min. Lot Area		
Min. Lot Width		
Reqd. Front Yd.		
Reqd. Side Yd.		
Reqd. Rear Yd. <u>40 ft.</u>	<u>35 ft.</u>	<u>5 ft.</u>
Reqd. Street Frontage*		
Max. Bldg. Hgt.		
Min. Floor Area*		
Dev. Coverage* %	%	%
Floor Area Ratio**		
Parking Area		

* Residential Districts only

** No-residential districts only

(b) The legal standard for an "area" variance is practical difficulty. Describe why you feel practical difficulty will result unless the area variance is granted. Also set forth any efforts you may have made to alleviate the difficulty other than this application.
A Bldg. permit was issued to Applicant on 3/10/78 by former Building Inspector. Certificate of Occupancy cannot be issued because present B.E. found error in insufficiency of rear yard. Applicant has no other recourse but to apply for 5ft. rear yard variance due to town's error.

VI. Sign Variance: ^{N/A}

(a) Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

	Requirements	Proposed or Available	Variance Request
Sign 1			
Sign 2			
Sign 3			
Sign 4			
Sign 5			

(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size

signs.

N/A
(c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

VII. Interpretation. N/A.

- (a) Interpretation requested of New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.
- (b) Describe in detail the proposal before the Board:

VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

There will be no changes to the property which is located in the R-4 zone.

IX. Attachments required:

- ☒ Copy of referral from Bldg./Zoning Insp. or Planning Bd.
- ☒ Copy of tax map showing adjacent properties.
- N/A Copy of contract of sale, lease or franchise agreement.
- ☒ Copy of deed and title policy.
- ☒ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- N/A Copy(ies) of sign(s) with dimensions and location.
- ☒ Check in the amount of \$50.00 ^{250.00} payable to TOWN OF NEW WINDSOR.
- ☒ Photographs of existing premises which show all present

X. Affidavit.

Date: Feb 3, 1992

STATE OF NEW YORK)
) SS.:
COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/or information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

James Sciamanna
(Applicant)

Sworn to before me this

3rd day of February, 1992.

Patricia A. Barnhart

XI. ZBA Action:

PATRICIA A. BARNHART
Notary Public, State of New York
No. 01BA4904434
Qualified in Orange County
Commission Expires August 31, 1993.

(a) Public Hearing date: _____.

(b) Variance: Granted ☐ Denied ☐

(c) Restrictions or conditions: _____

NOTE: A FORMAL DECISION WILL FOLLOW UPON RECEIPT OF THE PUBLIC HEARING MINUTES WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF APPEALS AT A LATER DATE.

(ZBA DISK#7-080991.AP)

ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR
COUNTY OF ORANGE : STATE OF NEW YORK

In the Matter of Application for Variance of

Dino Sciamanna

Applicant.

AFFIDAVIT OF
SERVICE
BY MAIL

#91-32.

STATE OF NEW YORK)
) SS.:
COUNTY OF ORANGE)

PATRICIA A. BARNHART, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 7 Franklin Avenue, New Windsor, N. Y. 12553.

On February 21, 1991, I compared the 55 addressed envelopes containing the attached Notice of Public Hearing with the certified list provided by the Assessor regarding the above application for variance and I find that the addressees are identical to the list received. I then mailed the envelopes in a U. S. Depository within the Town of New Windsor.

Patricia A. Barnhart
Patricia A. Barnhart

Sworn to before me this
21st day of February, 1991.

Deborah Green
Notary Public

DEBORAH GREEN
Notary Public, State of New York
Qualified in Orange County
4984065
Commission Expires July 15, 1993

(TA DOCDISK#7-030586.AOS)

DATE			CLAIMED	ALLOWED
11/25/91	Zoning Board Meeting		75 00	
	Misc. - 3 pgs		\$13 50	
	Schiamanna - 8 pgs		36 00	
	Schonmaker - 7 pgs		31 50	
	Mans / Toyota - 9 pgs		40 50	
	Agudas Israel - 4 pgs		18 00	
	Cuti - 8 pgs		36 00	
		\$	250 50	
	Buckner & Jones, C.			

PRELIMINARY MEETING: SCIAMANNA, DINO

MR. FENWICK: This is a request for 5 foot rear yard variance in order to receive a C.O. for existing porch located at 73 Hudson Drive in an R-4 zone. (Building permit #1154 was issued in 1978).

Mr. Dino Sciamanna came before the Board representing this proposal.

MR. SCIAMANNA: I thought there was some mistake, change of law or something, here's the building permit. There's nothing in there that states what the setback is and I don't know why that was signed without a setback and I worked for the town, if I would have went to sell my house, I would have really had a problem which I don't feel that this is something I had the contractor come in. I said okay, build me a screened-in porch, give me a price. He did everything, came up, got the building permit as you can see signed and I paid him, I assumed everything was fine. While I was working for the town last year, I checked my tax and I found out that I don't even have a C.O. for this and this is thirteen years, fellas, you know --

MR. FENWICK: I think that's a problem more representative of what's going on that you don't really know that you need a C.O. A lot of times people get a building permit and they don't know that you're supposed to pursue anything further.

MR. SCIAMANNA: I know I should have gotten a building permit. It's my property but I had the contractor do the whole bit and so I don't know what I have got to do now whatever I have got to do I'll just have to do it, get the C.O.

MR. KONKOL: How did this surface?

MR. SCIAMANNA: I went to check my, as I was working last year, I knew the thing about the 40 foot setback and I was just standing in my back yard and I started to count and I said I don't have 40 feet and I measured it and I came up with 37. To make sure it was right, I had Mike come down and double check it and we decided to come in with a 5 foot variance to make sure that we

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have got it right and, you know, had I not been here last year, I still wouldn't know about it.

MR. KONKOL: Mike, how are you handling this in the past there's an awful lot of houses built and there was never C.O.'s issued? I'm going way back, what happens to these people? I built a house in 1963, I never got a C.O. and half the people here built houses never got C.O.'s.

MR. BABCOCK: If it's before January 1st of 1966, what we'll do is we'll write a letter saying that it's, it was before zoning and therefore grandfathered and does not need a C.O. If it was something after January 1st of 1966, and the bank is requiring us to give them a C.O., then we have to, you know, just about everyone is a different situation but we have to act accordingly. Dino is asking for a C.O. this way he gets it straightened out right now. The permit that was issued in 1978 wouldn't require a C.O. and my investigation showed that R-4 has never changed, it's always been the 40 foot requirement.

MR. TORLEY: Your deck has lasted this long?

MR. SCIAMANNA: Still there, it's still up. Like I said, when I was just thinking about this, I said maybe in 1978 there was only a 35 foot setback for rear yards so I asked Mike, and he said no, it's always been 40 feet. I don't know why like I say, this was issued.

MR. TORLEY: You're doing the right thing.

MR. SCIAMANNA: I figured I got to come in and tell me what I have got to do, you know.

MR. KONKOL: Why should he have to go through a public hearing. This can be a myriad of these things coming up and I'm wondering if we can't nip this in the bud.

MR. LUCIA: Apparently what happened is a prior zoning inspector acting under the way he then interpreted the code may not have felt a variance was needed or may not have even considered it if he didn't have a rear yard measurement, he may have realized there was an issue with regard to setback. The problem that we're faced with and Mike Babcock is faced with he has in the file a building permit to put this structure up. It's been

put up, we're now on notice that the back yard is deficient. I think the only way out of this at this point is for the applicant to come in with a variance application for five yard deficiency on the rear yard. I'm not sure if there's any other way out of it and you're correct, I'm sure there are lots of others around the town.

MR. SCIAMANNA: Isn't there some kind of statute of limitations if I didn't have a building permit, you were in violation, you put up this structure without a building permit, you got to do whatever has got to be done but with this there should be some kind of statute of limitations. Even with the government, there's only six or seven years statute of limitations on most things. This is thirteen years, if I have got to do it, I'm going to do it.

MR. FENWICK: This isn't a crime.

MR. SCIAMANNA: I know it isn't a crime. It could have been if I was going to sell my house, could have lost the sale of my house because didn't have a C.O. I would have had to get the C.O. which would have taken time, lose the chance of selling my house or tear down the deck which would have been the easiest thing to do.

MR. LUCIA: There is no statute of limitations on zoning matters. Nor is the town ever stopped from correcting its own errors. You may have read of the case down in Manhattan where they had to lock off seven stories of a skyscraper because the City made an error. The City had to correct the error and they had changed the dwellings so even though they may have been an error there may have been an error in issuing the building permit without telling you you had a rear yard problem. The town is entitled to correct that error.

MR. SCIAMANNA: Shouldn't that have been -- I worked with Mike and somebody came in with an application and we made sure we had what the setbacks were. There's nothing on this and I don't know if Ray Yannone submitted anything else or not. I don't think he would have.

MR. TORLEY: He wasn't even considering decks being applicable for variances.

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MR. BABCOCK: This is a porch, this is a roofed over porch, you know, that should in my opinion always be considered. I know decks we have had that problem decks weren't at one time considered part of the setbacks so that didn't create a problem. A roof over that is pretty much spelled out in the code that if it's a roofed over enclosed structure, it's part of the setback.

MR. FENWICK: We don't have an application on file for the original building permit?

MR. BABCOCK: Sure you do.

MR. LUCIA: While there is not statute of limitations, all that you have told us is relevant to your proof of practical difficulty, that you proceeded in good faith and now --

MR. BABCOCK: It shows 35 foot.

MR. SCIAMANNA: Whatever I have got to do I'm going to do with it, you guys tell me what I have got to do and I'll do it.

MR. FENWICK: Something that's coming up now is work that's being done in subdivisions and whatever is being allowed you're allowed so much from a property line with a house on the original subdivision map. Is there anything, what I'm saying he was given a building permit, okay, right or wrong he was given a building permit. Is there anyway, there's no way at this time that maybe Howard Collette (phonetic) found that this was legal at 35 feet. He has issued a building permit, he has interpreted the law somehow or another but we don't know what it is but he has a building permit.

MR. BABCOCK: I'm not sure what the right answer is, to be honest with you but what I do know is that the banks request a C.O. and any C.O. just above my signature says that it meets the local zoning codes and without being 40 feet it's very hard for me to sign my name to that, even though I understand what you are saying. I figured this was my solution maybe it's not the right one but it's going to get this gentleman right now he's not in a real pinch but there are people if there's a closing usually come into my office on a Thursday and they are ready for a closing on a Friday.

MR. SCIAMANNA: No, that's not the case.

MR. FENWICK: What I'm thinking about to like ~~Man~~ Mowrey (phonetic) for instance they were issued a building permit and the town was legally liable for everything that building permit caused, am I right, they gave them the building permit, allowed them to build a building and it wasn't legal and the town had to eat everything that it cost them to take that building back down again.

MR. KONKOL: Like Dan mentioned, the town has a right to correct these mistakes. Michael is not going to sign his name to something that needs a variance.

MR. LUCIA: I don't mean the town is not liable for those mistakes, they have a right to do it right as soon as they realize that there's an error but you're correct there that may very well be liability for the initial wrong decision. As far as the building permit is concerned, just to further what Mike said, issuance of a building permit and C.O. do not involve interpretation. They a ministerial acts. The applicant comes in, meets the requirements and the permit is issued. There should not be any issues of interpretation for the building permit. Mike has to check the code but if it falls squarely in the code, this is not an interpretation issue, it's a ministerial act.

MR. NUGENT: We should set him up for a public hearing.

MR. LUCIA: I don't see any other alternative. I appreciate the Board's feelings that the applicant may be put under a burden but I'm not sure there's a short cut answer to get him where he needs to be.

MR. TORLEY: Do we have in our power to waive the fees?

MR. FENWICK: I would prefer not to do that.

MR. TORLEY: My only concern is Mr. Sciamanna is trying to comply with the law and found the mistake himself and brought it to our attention and now he's going to be penalized for it.

MR. LUCIA: His relief, he could sue the town for what

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his expenses are in collecting it.

MR. BABCOCK: One thing I'd like to say that if the applicant on the building permit, it's the applicant's responsibility to close the building permit out. The problem that you can run into is if you get into a legal of when, when a permit expires, when a C.O. should have been issued, if I'm not saying that the applicant's wrong but if the applicant would have come back in while the same inspector was here, he might have got a C.O. and it would have been over by now.

MR. SCIAMANNA: How many owners know that?

MR. BABCOCK: I know that but --

MR. SCIAMANNA: How many homeowners even know to come up for a building permit? Ninety percent of the people in the town would have put that up without a building permit. How many people know about the building permits and how many people know about getting a C.O.? I didn't and I was a public official at that time and I didn't know that and it was not until I worked for you six months that I found out that I was in violation.

MR. BABCOCK: Well, alls I'm stating is what the law reads now. It's the applicant's responsibility to do that. This is a way of correcting the problem.

MR. SCIAMANNA: The law can state that but like I say, you give me 95% of the people that own homes in New Windsor and don't know they have that responsibility to do that.

MR. BABCOCK: Well as you know from working here, we take that responsibility right now and make sure that everybody that leaves my office knows that.

MR. SCIAMANNA: When Yannone came here with this, the Building Inspector should have said how many feet for a rear yard setback in 1978.

MR. FENWICK: It's on the drawing right here, this is the original application and it shows on the original application 35 feet from the rear yard so the actual drawing is there.

MR. BABCOCK: That 35 feet was wrote in by myself.

MR. LUCIA: That is a new sketch.

MR. BABCOCK: That is the 1978 sketch with no setbacks and I wrote 35 feet in because that's what it is, that's what it wound up being. You have to remember one thing, if the survey usually on a sale there is a new survey proposed and the survey, the banks attorneys are going to see that they are going to come to me and want to know at that point and then it's to late.

MR. SCIAMANNA: I got about 37 but Mike figured we better go for a 5 yard variance and make sure we have got it right.

MR. FENWICK: Do we have a motion on the floor?

MR. NUGENT: I'll make a motion to set him up for a public hearing.

MR. KONKOL: I'll second it.

ROLL CALL:

Mr. Torley	Aye
Mr. Konkol	Aye
Mr. Nugent	Aye
Mr. Tanner	Aye
Mr. Fenwick	Aye

MR. LUCIA: When you come back for the area variance, Dino, the standard you're going to have to meet, what you have to prove to the Board in order to be entitled for an area variance is something called practical difficulty. So, what you need to do is come back into the Board with evidence of your significant economic injury from the application of the ordinance to your property, given the fact that you in good faith applied in 1978, put up the structure pursuant to a building permit and only found out recently that you need a variance and can't get a C.O. without it. I would list all those economic costs to you in terms of what it would cost to make the structure conforming, if you were to lop off 5 feet of your porch, if you had to reconfigure it so that it would be conforming as well as the costs of compliance. So, if you present that to the Board, that's the evidence the Board has to take on

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in proving significant economic injury. The application fees, I guess the new fees are \$50.

MR. SCIAMANNA: This one here was ten.

MR. LUCIA: Fifty dollars (\$50) on a town application fee plus publication and other costs and town consultant fees and area variance has been \$250 deposit and if it's not expended, you'll get it back. Also, please bring in a copy of your deed, copy of the title search and photographs.

Date 3/16/92, 19.....

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12550

TO Frances Roth 369 Moores Hill Rd DR.
New Windsor NY 12553

DATE			CLAIMED	ALLOWED
3/9/92		Zoning Board Meeting	75 00	
		Miscellaneous - 2 pgs	9 00	
		Do. Dominicus 10 pgs	45 00	
		Valentine 11 pgs	49 50	
		Schumann 3 pgs	13 50	
		Barbieri 3 pgs	13 50	
		Autferd Babcock 19 pgs	85 50	
			<hr/>	
			291 00	

PUBLIC HEARINGS:

SCIAMANNA, DINO

MR. FENWICK: Request for five feet rear yard variance for existing addition at 73 Hudson Drive in R-4 zone. Building permit was issued in May, 1978.

Mr. Dino Sciamanna came before the Board representing this proposal.

MR. FENWICK: You have to tell us your problem for the record.

MR. SCIAMANNA; Well, on November 25, I was before you for a variance on an existing screened-in porch which I had built 14 years ago with a signed building permit by the then building inspector. In working for the Town, about a year and half ago, I discovered the fact that I was not in compliance with the zoning law. I need a 40 foot rear yard setback, I've got about I think we measured it and I've got about 37 feet but I'm coming in for a five foot variance to make sure that my calculations are right. So, since then, I worked with Pat and we went to the assessor, we sent out the letters, I received, by the way I received quite a few phone calls. I put the stamps on. Anyway, I did get quite a few phone calls on the letters and most of them were from Birchview not even Hudson Drive and Pat I assume that you did send the notice for the public hearing to the Sentinel? I did give Pat the check for \$250 plus the \$350 for whatever it is, I don't know, and this goes to show you how ironic this is when I got the building permit it was \$10.00.

MR. FENWICK: Did you ever get a C.O. on this?

MR. SCIAMANNA: That's what I am here with, sir. Pat's got pictures of what I have done or a they've done anyway and got the deed and she's got everything else so it's either I got I guess I'm at a point where I get a variance or I take the screened-in porch down that's a simple solution.

MR. LUCIA: Just a couple questions, Dino, I notice in reviewing the file that apparently in 1987 you applied for a variance for insufficient side yard for the

March 9, 1992

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garage, is that correct that was an eight foot side yard variance?

MR. SCIAMANNA: Yes, right.

MR. LUCIA: There wasn't a decision in the file but I assume the variance was granted?

MR. SCIAMANNA: True.

MR. LUCIA: That's in no way connected with the porch?

MR. SCIAMANNA: No.

MR. LUCIA: Can you tell the board the difficulty you would have in locating the porch in a conforming manner, why it is that you need to have it in the rear yard at least use that last 5 feet of the rear yard anyway?

MR. SCIAMANNA: What had happened was I'm trying to go back now. I did put in a swimming pool for which I got a building permit. And when he put the swimming pool in, he put in a slab of concrete from the swimming pool to my at that time, the existing house. And of course, my wife decided that we should put a roof over it and we put a roof over it and we screened it in, that's why it's there.

MR. BABCOCK: Just to answer the attorney's question there, the variance was granted June 11, 1987 for the garage.

MR. LUCIA: And the porch couldn't have been located on either side yard wouldn't have been enough room?

MR. SCIAMANNA: No, I couldn't put it on either side no.

MR. LUCIA: Thank you for dropping off a copy of the deed, I notice that that makes reference to certain covenants, restrictions, easements, and I guess also some notes on the filed map for this property. Those weren't turned out. But to your knowledge, do any of those contain anything which would prohibit the structure which you now seek a variance?

MR. SCIAMANNA; Not that I know of.

March 9, 1992

25

MR. LUCIA: Thank you.

MR. FENWICK: Any other questions from the members of the board? Even though we have had no one signing the roster, anyone in the audience in reference to the Sciamanna case? At this time, I'll close the public hearing and open it back up to the members of the board. Any other questions? Can we have a motion to grant the variance?

MR. NUGENT: I'll make the motion that we grant.

MR. KONKOL: I'll second it.

ROLL CALL:

MR. TORLEY	AYE
MR. KONKOL	AYE
MR. TANNER	AYE
MR. NUGENT	AYE
MR. FENWICK	AYE

DS

TOWN OF NEW WINDSOR
ORANGE COUNTY, N. Y.
OFFICE OF ZONING - BUILDING INSPECTOR

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

File No.

Date 5/12, 1987

To DIHO SCIAMANNA

73 HUDSON DRIVE

NEW WINDSOR, N.Y. 12550

PLEASE TAKE NOTICE that your application dated 5/12, 1987

for permit to BUILD GARAGE

at the premises located at 73 HUDSON DRIVE R-4

is returned herewith and disapproved on the following grounds:

Need 15 Ft Side Yard Have 7 Feet Need 8 Feet
VARIANCE

John Finnegan
Building Inspector

Requirements	Proposed or Available	Variance Request
Min. Lot Area		
Min. Lot Width		
Reqd. Front Yd.		

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

File No.

Date 5/12, 1987To DIHO SRIAMAMMA73 HUDSON DRIVENEW WINDSOR, P. 4 12550PLEASE TAKE NOTICE that your application dated 5/12, 1987for permit to BUILD GARAGEat the premises located at 73 HUDSON DRIVE R-4

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VARIANCEJohn Finnegan
Building Inspector

Requirements	Proposed or Available	Variance Request
Min. Lot Area		
Min. Lot Width		
Reqd. Front Yd.		
Reqd. Side Yd. <u>15</u>	<u>7</u>	<u>8</u>
Reqd. Rear Yd.		
Reqd. Street Frontage*		
Max. Bldg. Hgt.		
Min. Floor Area*		
Dev. Coverage* %	%	%
Floor Area Ratio**		

* Residential Districts only

** Non-residential districts only

Name of Owner of Premises DINO J. SCIAMMANA
Address 73 HUDSON DRIVE Phone 561-8530
Name of Architect NONE

Address Phone

Name of Contractor NONE

Address Phone

State whether applicant is owner, lessee, agent, architect, engineer or builder: OWNER
If applicant is a corporation, signature of duly authorized officer.

.....
(Name and title of corporate officer)

1. On what street is property located? On the WEST side of HUDSON DRIVE
(N. S. E. or W.)
and 400 feet from the intersection of ERIE AVE. & HUDSON DRIVE

2. Zone or use district in which premises are situated

3. Tax Map description of property: Section 25 Block 2 Lot #73 #6

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction:

a. Existing use and occupancy SINGLE FAMILY RES. b. Intended use and occupancy SINGLE FAMILY RESIDENCE

5. Nature of work (check which applicable): New Building..... Addition ☒ Alteration..... Repair..... Removal.....
Demolition..... Other.....

6. Size of lot: Front 90' Rear 90' Depth 125' Front Yard 50' Rear Yard 50' Side Yard 20'

Is this a corner lot? NO

7. Dimensions of entire new construction: Front 12' Rear 12' Depth 24' Height 8' Number of stories 1

8. If dwelling, number of dwelling units..... Number of dwelling units on each floor.....

Number of bedrooms..... Baths..... Toilets.....

Heating Plant: Gas..... Oil..... Electric...../Hot Air..... Hot Water.....

If Garage, number of cars.....

9. If business, commercial or mixed occupancy, specify nature and extent of each type of use.....

10. Estimated cost \$2,500.00 Fee
(to be paid on filing this application)

Costs for the work described in the Application for Building Permit include the cost of all the construction and other work done in connection therewith, exclusive of the cost of the land. If final cost shall exceed estimated cost, an additional fee may be required before the issuance of Certificate of Occupancy.

IMPORTANT

REQUIRED INSPECTIONS OF CONSTRUCTION — YOU MUST CALL FOR THESE

Other inspections will be made in most cases, but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections, it has not been approved, and it is improper to continue beyond that

Address: Phone

State whether applicant is owner, lessee, agent, architect, engineer or builder: OWNER

If applicant is a corporation, signature of duly authorized officer.

.....
(Name and title of corporate officer)

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CALL ONE DAY AHEAD FOR ALL INSPECTIONS TO AVOID DELAYS — 565-8807

- 1—When excavating is complete and footing forms are in place (before pouring).
- 2—Foundation Inspection - check here for waterproofing and footing drains.
- 3—Inspect gravel base under concrete floors, and underslab Plumbing.
- 4—When framing is completed, and before it is covered from inside, and Plumbing rough-in.
- 5—Plumbing final & final. Have on hand Electrical Inspection Data per the Board of Fire Underwriters, and final certified plot plan. Building is to be complete at this time.
- 6—Driveway inspection must meet approval of town Highway Inspector.
- 7—\$20.00 charge for any site that calls for the same inspection twice.

TOWN OF NEW WINDSOR, ORANGE COUNTY, N. Y.

Examined.....19.....
Approved.....19.....
Disapproved a/c.....
Permit No.

Office of Building Inspector
Michael L. Babcock
Town Hall, 555 Union Avenue
New Windsor, New York 12550
Telephone 565-8807

Refer —
Planning Board.....
Highway.....
Sewer.....
Water.....
Zoning Board of Appeals

APPLICATION FOR BUILDING PERMIT
Pursuant to New York State Building Code and Town Ordinances

Date.....19.....

INSTRUCTIONS

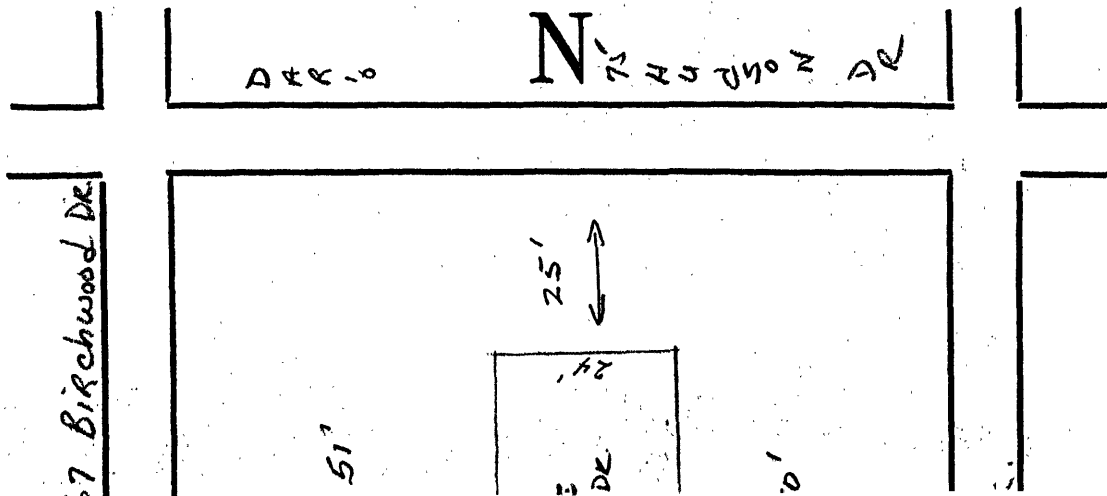
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APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions or alterations, or for removal or demolition or use of property, as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

Bin J. Deemman *73 Hudson St., New Windsor, NY*
(Signature of Applicant) (Address of Applicant)

PLOT PLAN

NOTE: Locate all buildings and indicate all set-back dimensions.
Applicant must indicate the building line or lines clearly and distinctly on the drawings.



Planning Board.....
Highway.....
Sewer.....
Water.....
Zoning Board of Appeals

Pursuant to New York State Building Code and Town Ordinances

Date.....19.....

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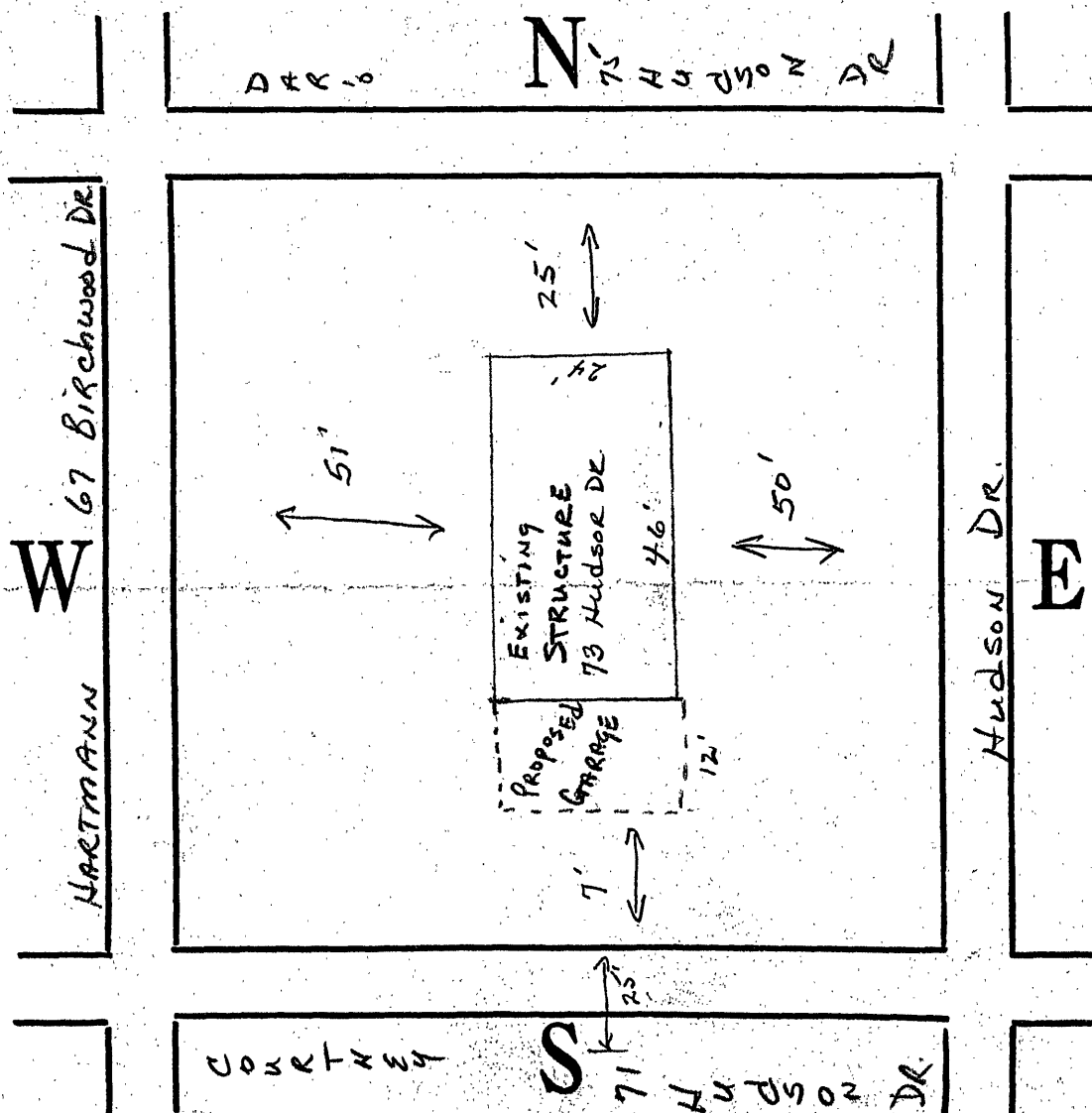
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Ben J. Deamann *73 Hudson Dr. New Windsor, NY*
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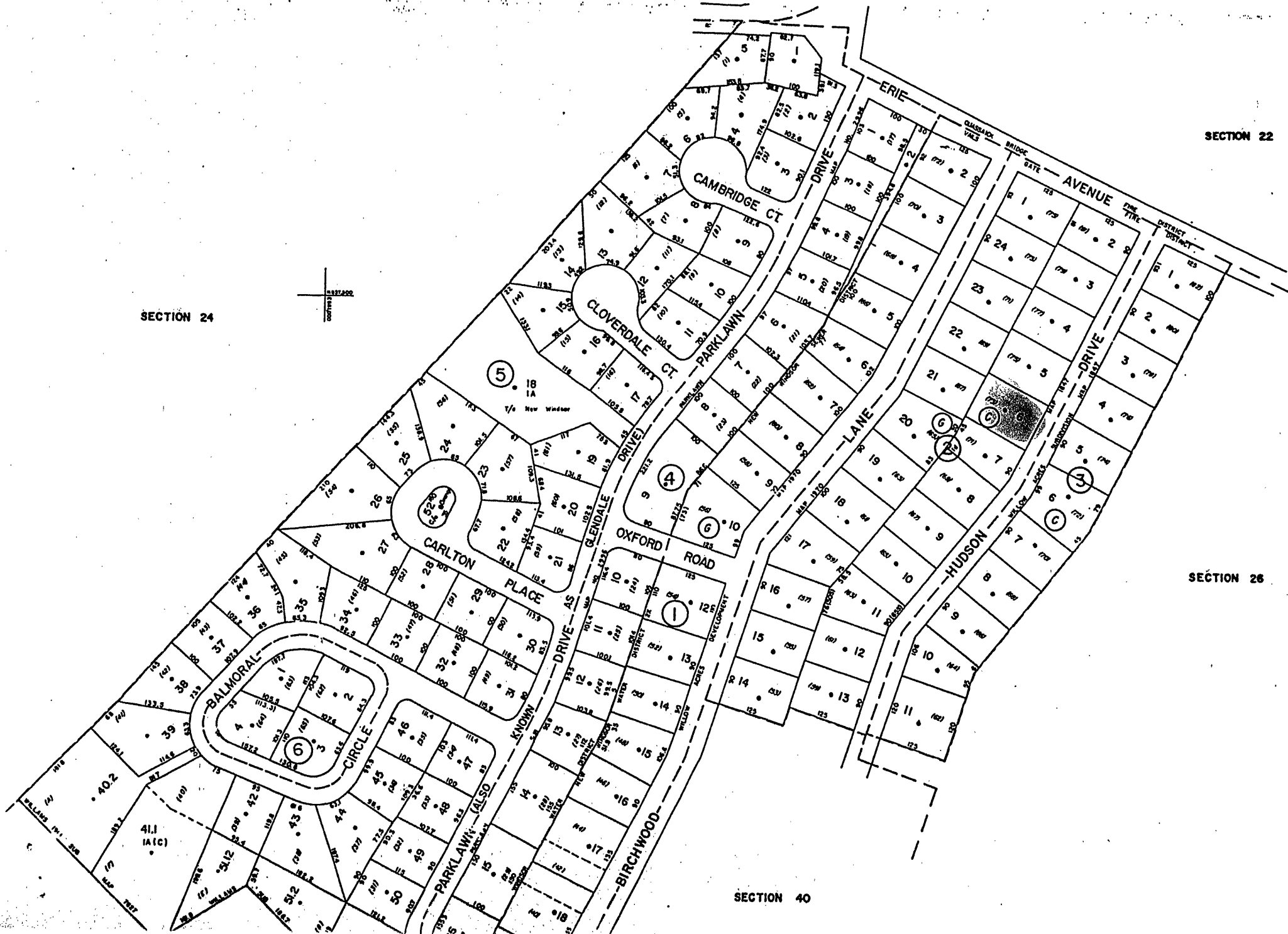


SECTION 24

SECTION 22

SECTION 26

SECTION 40



OFFICE OF THE BUILDING INSPECTOR - TOWN OF NEW WINDSOR
ORANGE COUNTY, NY

NOTICE OF DISAPPROVAL OF CERTIFICATE OF OCCUPANCY APPLICATION

DATE: 10-15-91

APPLICANT: DINO SCIAMANNA

73 HUDSON DR.

NEW WINDSOR, NY 12553

Prelim
Nov. 25, 1991
7:30pm
Building Permit # 1554

PLEASE TAKE NOTICE THAT YOUR AFFIDAVIT DATED 5-10-78

FOR (CERTIFICATE OF OCCUPANCY)

LOCATED AT 73 HUDSON DRIVE

TOWN OF NEW WINDSOR ZONE R-4

DESCRIPTION OF EXISTING SITE: SEC: 25 BLOCK: 2 LOT: 6

VARIANCE REQUEST FOR: REAR PORCH
12' x 20'

IS DISAPPROVED ON THE FOLLOWING GROUNDS: REAR YARD SETBACK

REQUIRED REAR YARD - 40'

PROPOSED OR AVAILABLE - 35'

VARIANCE REQUEST - 5'

Michael Bebank
BUILDING INSPECTOR (a.d.)

CC: J. TAD SEAMAN, ATTORNEY FOR THE TOWN
RICHARD D. MC GOEY, P.E., ENGINEER FOR THE TOWN

PATRICIA BARNHART 563-4630

Name of Owner of Premises DINO J. SCIAMANNA
Address 73 HUDSON DR. NEW WINDSOR Phone 561-8530

Name of Architect.....
Address..... Phone.....

Name of Contractor RAYMOND YANNONE
Address STORI ROAD, NEWBURGH Phone.....

State whether applicant is owner, lessee, agent, architect, engineer or builder: OWNER
If applicant is a corporation, signature of duly authorized officer.

(Name and title of corporate officer)

1. On what street is property located? On the WEST side of HUDSON DR
(N. S. E. or W.)

and 600 feet from the intersection of ERIE AVE

2. Zone or use district in which premises are situated R-4

3. Tax Map description of property: Section 25 Block 2 Lot 6

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction:

a. Existing use and occupancy RESIDENTIAL b. Intended use and occupancy.....

5. Nature of work (check which applicable): New Building..... Addition ☒ Alteration..... Repair..... Removal.....
Demolition..... Other.....

6. Size of lot: Front 90' Rear 90' Depth 125' Front Yard..... Rear Yard..... Side Yard.....

Is this a corner lot?.....

7. Dimensions of entire new construction: Front 20' Rear..... Depth 12' Height 8' Number of stories 1

8. If dwelling, number of dwelling units..... Number of dwelling units on each floor.....

Number of bedrooms 3 Baths 2 Toilets 3

Heating Plant: Gas ☒ Oil..... Electric...../Hot Air..... Hot Water ☒

If Garage, number of cars 1

9. If business, commercial or mixed occupancy, specify nature and extent of each type of use.....

10. Estimated cost \$1200.- Fee \$10.
(to be paid on filing this application)

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Name of Contractor JOHN MONO JANNON 2

Address STORR ROAD, NEWBURGH Phone

State whether applicant is owner, lessee, agent, architect, engineer or builder OWNER

If applicant is a corporation, signature of duly authorized officer.

(Name and title of corporate officer)

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TOWN OF NEW WINDSOR, ORANGE COUNTY, N. Y.

Examined.....19.....
 Approved.....19.....
 Disapproved a/c.....
 Permit No.

Office of Building Inspector
 HOWARD COLLETT, Building Inspector
 Town Hall, 555 Union Avenue
 New Windsor, N. Y. 12550
 Telephone 565-8807

Refer —

Planning Board.....
 Highway.....
 Sewer.....
 Water.....
 Zoning Board of Appeals

APPLICATION FOR BUILDING PERMIT

Pursuant to New York State Building Code and Town Ordinances

Date *May 10* 19*78*

INSTRUCTIONS

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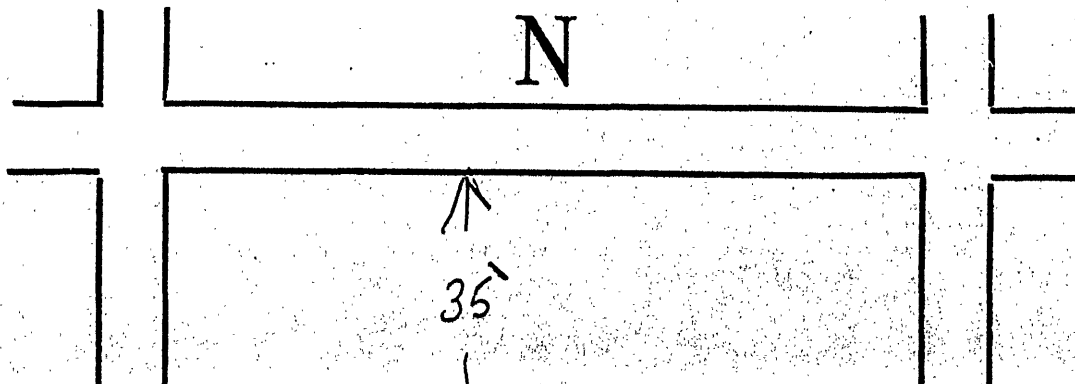
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John J. Deamano
 (Signature of Applicant)

73 Hudson St. New Windsor, N.Y.
 (Address of Applicant)

PLOT PLAN

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Refer —
 Planning Board.....
 Highway.....
 Sewer.....
 Water.....
 Zoning Board of Appeals

APPLICATION FOR BUILDING PERMIT

Pursuant to New York State Building Code and Town Ordinances

Date May 10 1978

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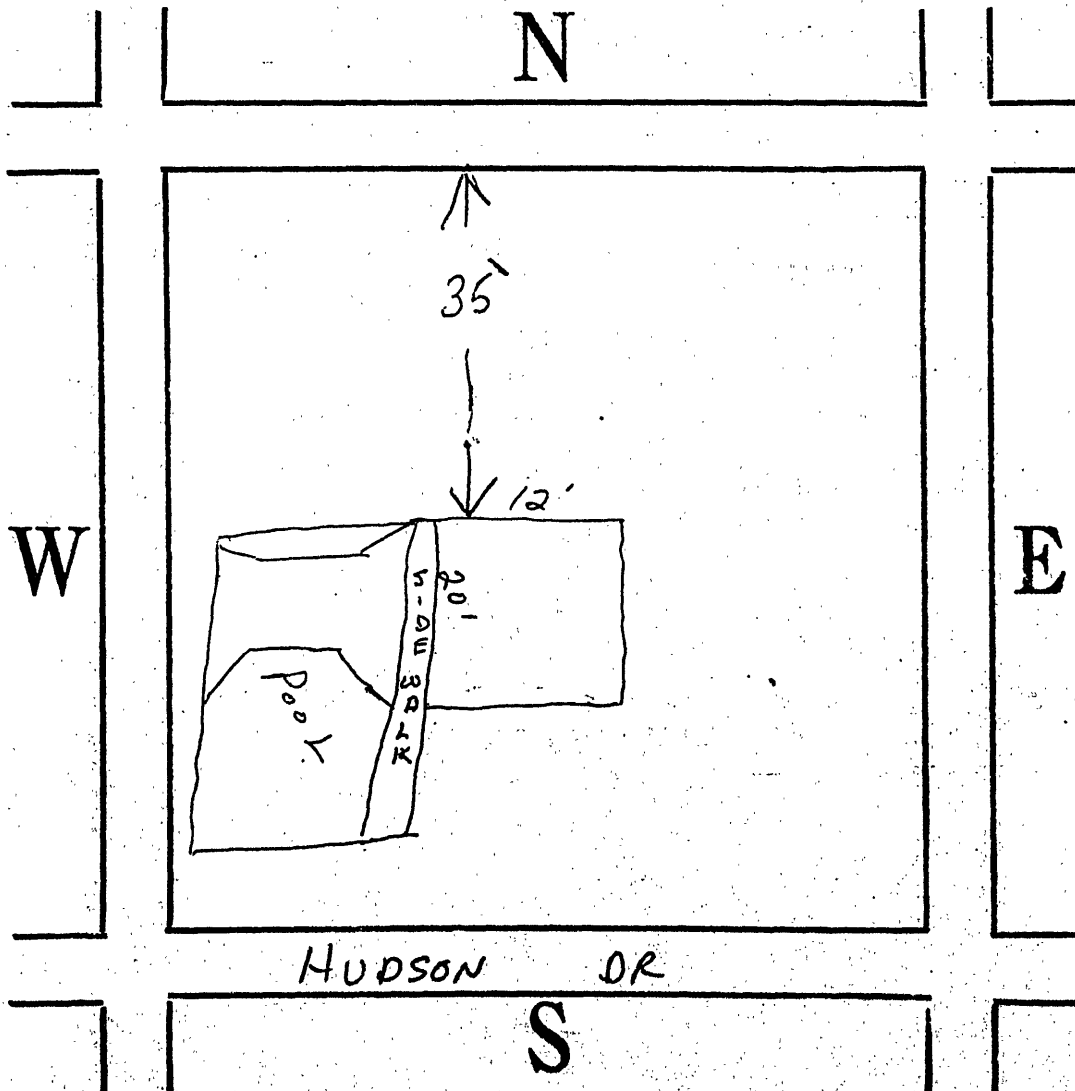
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John J. Deamann
 (Signature of Applicant)

73 Hudson St. New Windsor, N.Y.
 (Address of Applicant)

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BUILDING PERMIT

A permit is hereby given by the Zoning Officer of the Town of New Windsor, Orange County, N. Y., for building as described:

Owner's Name SENIOR, DINA J.

Address 73 HUDSON DR.

Architect's Name

Address

Builder's Name RAYMOND YANNANE

Address NEWBURGH

Location of Building 73 HUDSON DR. 25-2-6

Material FRAME Number of Stories 1 Number of Families 1

Dimensions of Building 20x12 Dimensions of Lot 90x125

Use of Building Number of Bedrooms

Number of Toilets Number of Baths

Heating Plant

I am familiar with the Zoning Ordinance of the Town of New Windsor.

Remarks ADDITION TO REAR OF DWELLING (PORCH)

Signature of Applicant

Approximate Cost \$ 1200

Action of

Planning Board

Highway

Water

Sewer

Zoning Board of Appeals

Howard R. Casella
Zoning Officer

IMPORTANT

A permit under which no work is commenced within 6 months after issuance shall expire by limitation and a new permit shall be secured before work is started.

It is the responsibility of the owner and/or the contractor to comply with all applicable township ordinances and to call for the required inspections one day in advance.

This Indenture,

Made the 12th day of September, nineteen hundred and Sixty-two,

Between SCHOONMAKER BROS., INC., with principal office located at Route 94, R. D. 4, Town of New Windsor, Orange County, State of New York,

a corporation organized under the laws of the State of New York,

, party of the first part, and

DINO J. SCIAMANNA and ELEANOR SCIAMANNA, husband and wife, as tenants by the entirety, residing at No. 73 Hudson Drive in the Town of New Windsor, Orange County, State of New York,

, parties of the second part,

Witnesseth, that the party of the first part, in consideration of TEN - - - - -
 - - - - - (\$10.00) - - - - - Dollars,
 lawful money of the United States, and other good and valuable considerations,
 paid by the parties of the second part,
 does hereby grant and release unto the parties of the second part, their heirs
 and assigns forever,

All that certain lot, piece or parcel of land, together with the improvements thereon, known and shown as Lot No. 73 Hudson Drive, on Map of Plot C, Willow Acres, Schoonmaker Brothers, Town of New Windsor, Orange County, New York, made August 1959, by Nial Sherwood, C. E., filed December 15, 1959 as Map No. 1847, Pocket 15, Folder A, Orange County Clerk's Office which lot is more particularly bounded and described as follows:-

BEGINNING at a point on the northerly bounds of Hudson Drive at the most easterly corner of Lot No. 71 Hudson Drive conveyed by Schoonmaker Bros., Inc. to Simovich by deed dated September 22, 1961, recorded September 25, 1961, in Liber 1601 of Deeds at Page 1187, and running thence North 40° East along the northerly bounds of Hudson Drive 90 feet to a point which is the most southerly corner of Lot No. 75 Hudson Drive conveyed by Schoonmaker Bros., Inc. to Wagtowicz by deed dated February 15, 1961, recorded February 17, 1961, in Liber 1582 of Deeds at Page 1188.

Between SCHOONMAKER BROS., INC., with principal office located at
Route 94, R. D. 4, Town of New Windsor, Orange County, State of New
York,
a corporation organized under the laws of the State of New York,

, party of the first part, and

DINO J. SCIAMANNA and ELEANOR SCIAMANNA, husband and wife, as tenants
by the entirety, residing at No. 73 Hudson Drive in the Town of New
Windsor, Orange County, State of New York,

, parties of the second part,

~~Witnesseth~~, that the party of the first part, in consideration of TEN - - - - -
- - - - - (\$10.00) - - - - - Dollars,
lawful money of the United States, and other good and valuable considerations,
paid by the parties of the second part,
does hereby grant and release unto the parties of the second part, **their heirs**
and assigns forever,

12/ All that certain lot, piece or parcel of land, together with the
improvements thereon, known and shown as Lot No. 73 Hudson Drive, on
Map of Plot C, Willow Acres, Schoonmaker Brothers, Town of New Windsor,
Orange County, New York, made August 1959, by Nial Sherwood, C. E.,
filed December 15, 1959 as Map No. 1847, Pocket 15, Folder A, Orange
County Clerk's Office which lot is more particularly bounded and
described as follows:-

BEGINNING at a point on the northerly bounds of Hudson Drive at
the most easterly corner of Lot No. 71 Hudson Drive conveyed by
Schoonmaker Bros., Inc. to Simovich by deed dated September 22, 1961,
recorded September 25, 1961, in Liber 1601 of Deeds at Page 1187, and
running thence North 40° East along the northerly bounds of Hudson
Drive 90 feet to a point which is the most southerly corner of Lot No.
75 Hudson Drive conveyed by Schoonmaker Bros., Inc. to Wagtowicz by
deed dated February 15, 1961, recorded February 17, 1961 in Liber 1583
of Deeds at Page 589, Orange County Clerk's Office, and running thence
North 50° West 125 feet along the line of said Lot No. 75 Hudson

Drive 125 feet to a point; thence South 40° West 90 feet to northerly point of said Lot No. 71 Hudson Drive; thence and of last mentioned lot South 50° East 125 feet to the point of Containing more or less land as surveyed by Alger O. Royce, L.S. Liberty, New York.

TOGETHER with a right in common with all others heretofore given or who hereafter may be given by the grantors or their assigns a right of ingress and egress over and upon the hereinabove mentioned proposed street lying in front of the southerly

side of the premises herein conveyed, as well as a similar right of way over and upon any continuation of said street or any connecting street or streets to afford and enable passage and re-passage from the conveyed premises to and from Willow Lane and/or Route 94.

SUBJECT to all grants of record heretofore given to Central Hudson Gas and Electric Corporation and New York Telephone Company.

Together with a right in common with all others given the same rights to water for ordinary domestic purposes from the well and any auxiliary well subsequently connected thereto which is located upon premises set aside for that purpose by the grantors, and which water may be transmitted to the instant premises by means of any pipe lines running from said well or any auxiliary thereof upon payment from time to time to the owner of said well and/or auxiliary well and premises upon which located, in accordance with any rates hereinafter established by any State or Municipal Agency.

The instant conveyance is subject to the following covenants and restrictions in respect to lots shown on PLOT C of Map No. 1847 filed in Orange County Clerk's Office December 15, 1959.

1. That only one one-family residence dwelling may be erected on said premises together with garage for not more than two automobiles, and said premises occupied for residence purposes only, excepting that this shall not exclude usage by Doctors, Dentists, Lawyers and Real Estate Brokers, and similar professions for home and office, provided that exterior architecture of building is kept residential in appearance.
2. That no shack, shanty or trailer shall be erected or permitted on said premises.
3. That no unsightly, offensive or objectionable materials shall be stored or kept on said premises.
4. That no animals, livestock, fowl or chickens may be kept or maintained on said premises, but a reasonable number of household pets may be so maintained.

Liberty, New York.

TOGETHER with a right in common with all others heretofore given or who hereafter may be given by the grantors or their assigns a right of ingress and egress over and upon the hereinabove mentioned proposed street lying in front of the southerly

side of the premises herein conveyed, as well as a similar right of way over and upon any continuation of said street or any connecting street or streets to afford and enable passage and re-passage from the conveyed premises to and from Willow Lane and/or Route 94.

SUBJECT to all grants of record heretofore given to Central Hudson Gas and Electric Corporation and New York Telephone Company.

Together with a right in common with all others given the same rights to water for ordinary domestic purposes from the well and any auxiliary well subsequently connected thereto which is located upon premises set aside for that purpose by the grantors, and which water may be transmitted to the instant premises by means of any pipe lines running from said well or any auxiliary thereof upon payment from time to time to the owner of said well and/or auxiliary well and premises upon which located, in accordance with any rates hereinafter established by any State or Municipal Agency.

The instant conveyance is subject to the following covenants and restrictions in respect to lots shown on PLOT.....^C of Map No.....1847..... filed in Orange County Clerk's Office December 15, 1959.

1. That only one one-family residence dwelling may be erected on said premises together with garage for not more than two automobiles, and said premises occupied for residence purposes only, excepting that this shall not exclude usage by Doctors, Dentists, Lawyers and Real Estate Brokers, and similar professions for home and office, provided that exterior architecture of building is kept residential in appearance.
2. That no shack, shanty or trailer shall be erected or permitted on said premises.
3. That no unsightly, offensive or objectionable materials shall be stored or kept on said premises.
4. That no animals, livestock, fowl or chickens may be kept or maintained on said premises, but a reasonable number of household pets may be so maintained.

BEING a portion of premises conveyed by Bruhob Realty Corp. to Schoonmaker Bros., Inc., by deed dated May 4, 1960, recorded May 5, 1960 in Liber 1548 of Deeds at Page 425, Orange County Clerk's Office.

part, as tenants by the entirety, their heirs

and assigns, etc.

And the party of the first part covenants as follows:

First. That the party of the first part is seized of the said premises in fee simple, and has good right to convey the same;

Second. That the parties of the second part shall quietly enjoy the said premises;

Third. That the said premises are free from incumbrances;

Fourth. That the party of the first part will execute or procure any further necessary assurance of the title to said premises;

Fifth. That the party of the first part will forever warrant the title to the said premises.

Sixth. The grantor, in compliance with Section 13 of the Lien Law, covenants as follows: That it will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement, and that it will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

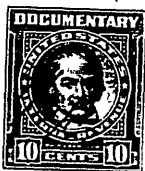
In Witness Whereof, the party of the first part has caused its corporate seal to be hereunto affixed and these presents to be signed by its duly authorized officer the day and year first above written.

SCHOONMAKER BROS., INC.

(L.S.)

By

D. Bruce Schoonmaker



State of New York County of Orange ss.:

On the 12th day of September, nineteen hundred and Sixty-two, before me personally came D. BRUCE SCHOONMAKER to me known, who, being by me duly sworn, did depose and say that he resides at No. 42 Garden Drive, Town of New Windsor, Orange County, N.Y.; that he is the President of

SCHOONMAKER BROS., INC.,

the corporation described in, and which executed, the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of Directors of said corporation; and that he signed his name thereto by like order.

D. Bruce Schoonmaker
Notary Public



And the party of the first part covenants as follows:

First. That the party of the first part is seized of the said premises in fee simple, and has good right to convey the same;

Second. That the parties of the second part shall quietly enjoy the said premises;

Third. That the said premises are free from incumbrances;

Fourth. That the party of the first part will execute or procure any further necessary assurance of the title to said premises;

Fifth. That the party of the first part will forever warrant the title to the said premises.

Sixth. The grantor, in compliance with Section 13 of the Lien Law, covenants as follows: That it will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement, and that it will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

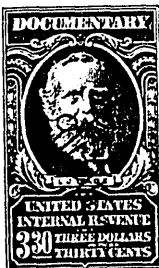
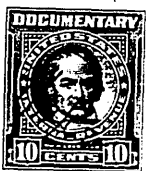
In Witness Whereof, the party of the first part has caused its corporate seal to be hereunto affixed and these presents to be signed by its duly authorized officer the day and year first above written.

SCHOONMAKER BROS., INC.

(L.S.)

By

[Signature]



State of New York County of Orange ss.:

On the 12th day of September, nineteen hundred and Sixty-two, before me personally came D. BRUCE SCHOONMAKER to me known, who, being by me duly sworn, did depose and say that he resides at No. 42 Garden Drive, Town of New Windsor, Orange County, N.Y.; that he is the President of

SCHOONMAKER BROS., INC.,

the corporation described in, and which executed, the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of Directors of said corporation; and that he signed his name thereto by like order.

[Signature]

Notary Public

ALLEN J. INDZONKA

Notary Public, State of New York

Residence on Appointment: Orange County

Commission Expires March 30, 1964

LIBER 1625 PG 157

Deed.

SCHOONMAKER BROS., INC.

TO

DINO J. SCIAMANNA and
ELEANOR SCIAMANNA, husband
and wife

Dated, September 12th, 1962

Orange County Clerk's Office, S.S.

Recorded on the ... 17th day
of ... Sept. ... 1962 at 9:45
o'clock ... A.M. in Liber ... 1025
... Deeds ... at page 155
and Examined.

A.E. Schuchack Clerk

Charge and Return to
ALLEN J. INDZONKA
ATTORNEY AT LAW
100 LIBERTY STREET
NEWBURGH, N. Y.

550

LIBER 1625 pg 158



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK

55

20.-
25.-
25.-
50.-
93.52
* 213.52

Dino
561-8530

June 2, 1987

Mr. & Mrs. Dino Sciamanna
73 Hudson Dr.
New Windsor, NY 12550

Re: 25-2-6 Variance List

Dear Mr. & Mrs. Sciamanna:

According to our records, the attached list of property owners are within five hundred (500) feet of the above mentioned property.

The charge for this service is \$75.00, minus your deposit of \$25.00. Please remit same to the Town Clerk, Town of New Windsor, NY.

Very truly yours,

Christian E. Jahrling
CHRISTIAN E. JAHRLING, IAO
SOLE ASSESSOR

CEJ/cp

56 * 93.52

Rainey, Alvin & Josephine ✓
72 Birchwood Dr.
New Windsor, NY 12550

Cosgrove, Ann L. ✓
70 Birchwood Dr.
New Windsor, NY 12550

Ellick, ~~Sanford A. & Rose~~ Irwin, Harvey L. & Charles J.
68 Birchwood Dr.
New Windsor, NY 12550

~~McDonald, Thomas H.~~ (sold) Corcoran, Kenneth I. & Cecilia
~~Grieco, Marianne~~
66 Birchwood Dr.
New Windsor, NY 12550

Bartel, Albin J. & Rose M. ✓
64 Birchwood Dr.
New Windsor, NY 12550

Flanagan, ~~William J.~~ & Rose M.
62 Birchwood Dr.
New Windsor, NY 12550

~~Deane, Robert~~ VanVoorhis, Robt. J.
60 Birchwood Dr.
New Windsor, NY 12550

Grammar, Mark R. ✓
58 Birchwood Dr.
New Windsor, NY 12550

Carfizzi, Santa ✓
56 Birchwood Dr.
New Windsor, NY 12550

Groff, Gordon B. & Eleanor S. ✓
75 Birchwood Dr.
New Windsor, NY 12550

Metzger, Edwin J. & Kathleen A. ✓
81 Hudson Dr.
New Windsor, NY 12550

White, James B. & Beverly ~~DECEASED~~ ✓
79 Hudson Dr.
New Windsor, NY 12550

Powles, Harold J. & Rita A. ✓
77 Hudson Dr.
New Windsor, NY 12550

Dario, Anthony & Kathryn Anne ✓
75 Hudson Dr.
New Windsor, NY 12550

Courtney, George T. /
71 Hudson Dr.
New Windsor, NY 12550

Panzetta, John J. & Marjorie E. /
69 Hudson Dr.
New Windsor, NY 23559

Nott, Bruce W. & Marie .
~~67 Hudson Dr.~~ Rt. 1, Box 480
~~New Windsor, NY 12550~~ Cold Spring, N.Y. 10516

Hughes, Joseph T. Jr. & Catherine /
65 Hudson Dr.
New Windsor, NY 12550

Annan, Theodore & Kathryn E. /
63 Hudson Dr.
New Windsor, NY 12550

~~Reed, John A. & Erna B. DECEASED~~
~~61 Hudson Dr.~~
~~New Windsor, NY 12550~~

Griffen, Robt. J. & Carol
One Monson Rd
Iselin, NJ. 08830

VanVoorhis, John P. & Jean H. /
55 Birchwood Lane
New Windsor, NY 12550

Lacourse, Robert A. & ~~Maria A. DECEASED~~
57 Birchwood Dr.
New Windsor, NY 12550

Hedlund, Melvin E. & Rose Marie /
59 Birchwood Lane
New Windsor, NY 2550

Smith, George S. /
40 Willow Parkway
New Windsor, NY 12550

~~Steger, Alexander & Evelyn~~ Smith, Wayne C. & Joan M.
63 Birchwood Dr.
New Windsor, NY 12550

Miller, Kenneth J. & Helen K. /
65 Birchwood Lane
New Windsor, NY 12550

Hartmann, Ingrid /
67 Birchwood Dr.
New Windsor, NY 12550

Garofal, John B. & Kathleen /
69 Birchwood Dr.
New Windsor, NY 12550

Solfaro, Anthony V. & Judith /
71 Birchwood Dr.
New Windsor, NY 12550

Soricelli, John G. & Carol S. /
73 Birchwood Dr.
New Windsor, NY 12550

~~Katta, Stanley & Amelia~~ Sold
82 Hudson Dr.
New Windsor, NY 12550

Neumann, Paul F. & Cherylann B. Janderliet

Powles, Harold K. /
80 Hudson Dr.
New Windsor, NY 12550

Quicksell, James & Barbara /
78 Hudson Dr.
New Windsor, NY 12550

DiGovanni, Thomas & Regina /
76 Hudson Dr.
New Windsor, NY 12550

Heft, Lincoln R. & Dolores P. /
74 Hudson Dr.
New Windsor, NY 12550

Scott, William H. & Ruth D. /
72 Hudson Dr.
New Windsor, NY 12550

Ferreira, Maria A. /
70 Hudson Dr.
New Windsor, NY 12550

Gaetano, Geo. L. & Muriel C. /
68 Hudson Dr.
New Windsor, NY 12550

Finnegan, John F. & Anna M. DECEASED
66 Hudson Dr.
New Windsor, NY 12550-

~~Pettine, Frank J. & Catherine~~ Sold
64 Hudson Dr.
New Windsor, NY 12550

Bousche, Estelle M. & Jeffrey K

~~Cook, William R. & Jane~~ DECEASED
62 Hudson Dr., MD 33
New Windsor, NY 12550

Cook, Thomas W. & Robt. F. & Nancy S.
Catanzaro

Bracco, Ralph J. & Linda /
102 Glendale Dr.
New Windsor, NY 12550

~~Brown, Jos. R. & Mary J.~~ NY. Mortgage Serr. Corp. The Agudas Achen Society
104 Glendale Dr. 130 Steamboat Rd. 290 North Street
~~New Windsor, NY 12550~~ Great Neck, NY 11024 Newburgh, NY 12550

Paul, Henry & Anna ✓
106 Glendale Dr.
New Windsor, NY 12550

~~Wadler, Laurence H. & Janet~~
108 Glendale Dr.
New Windsor, NY 12550

Rodrigues, Joao C. & ~~Linda~~ Laurinda M.

Walborn, David P. & Jeanne M. ✓
110 Glendale Dr.
New Windsor, NY 12550

Kochan, John T. & ✓
Makar, Maryann
112 Glendale Dr.
New Windsor, NY 12440

Chapman, David & Phyllis ✓
114 Glendale Dr.
New Windsor, NY 12550

~~Clark, James E.~~
284 Main St.
Cornwall, NY 12518

Tn. of NW Ave
555 Union Ave
NW, NY 12553

Hamlet, James T. & ✓
Dawson, Denise
202 Cambridge Ct.
New Windsor, NY 12550

Ullman, Stuart & Gladys ✓
201 Cambridge Ct.
New Windsor, NY 12550

Pfeifer, Valentine & Alenka
~~107 Glendale Dr.~~
New Windsor, NY 12550

P.O. Box 4073

Brown Sr., Howard C. & Jill ✓
302 Cloverdale Ct.
New Windsor, NY 12550

~~Warner's Construction Corp.~~
PO Box 148
Newburgh, NY 12550

Foxwood Associates
125 Wolf Rd
Albany, NY 12205

The Newburgh Woodlawn Cemetery Association
c/o William Rumsey
BOX 203
Newburgh, NY 12550